

7.
REPORT

OF

J. THOMAS SCHARF, A. M., LL. D.,

COMMISSIONER OF THE LAND OFFICE

OF MARYLAND,

From January 1, 1890 to September 30, 1891,

TO

GOVERNOR FRANK BROWN.



ANNAPOLIS:

C. H. BAUGHMAN & CO.,

STATE PRINTERS.

1892.

COMMISSIONERS OF THE LAND OFFICE

*From the First Settlement of the State to the
Present Time.*

JOHN LEWGER—1637.

Member of the Council—Officer in charge of land grants, &c.

JOHN LANKFORD—1641.

"During his natural life"—Surveyor General.

ROBERT CLARKE—1648.

Surveyor General.

JEROME WHITE—1664.

Surveyor General.

BAKER BROOKE—1676.

Surveyor General.

VINCENT LOWE—1679.

Surveyor General.

In 1680 the Land office was created, with a Register on each shore.

JOHN LLEWELLIN—*Register for Western Shore.*

WACHEL DOWNES—*Register for Eastern Shore.*

HENRY DARNAL—*Register, 1688.*

CHARLES CARROLL—*Register, 1712.*

EDWARD GRIFFITH—*Register, 1715.*

EDMUND JENNINGS—*Judge and Register, 1732.*

LEVIN GALE—*Judge and Register, 1738.*

PHILIP THOMAS—*Judge and Register, 1743.*

BENJ. TASKER AND BENJ. YOUNG—*Judge and Register, 1746.*

BENJ. YOUNG AND GEORGE STEUART—*Judge and Register, 1755.*

ST. GEORGE PEALE—*Register, 1777.*

JOHN CALLAHAN—*Register, 1779.*

JOHN KILTY—*Register, 1806.*

JOHN BREWER—*Register, 1812.*

G. G. BREWER—*Register, 1827.*

In 1841 the Eastern Shore office was transferred to the Western Shore.

G. G. BREWER—*Register for Western Shore.*

SAMUEL ROBERTS—*Register for Eastern Shore.*

The Constitution of 1851, created the office of Commissioner of the Land Office.


HON. JAMES MURRAY—1852.

HON. WILLIAM S. W. SEABROOK—1857.

HON. GEORGE L. L. DAVIS—1868.

DR. WILLIAM R. HAYWARD—1869.

J. THOMAS SCHARF, A. M. LL. D.—1884.



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PUBLIC COUNTY SURVEYORS, 1891.

<i>Allegany County</i>	JOHN SCHAIDT.
<i>Anne Arundel County</i>	LOUIS GREEN,
<i>Baltimore City</i>	AUGUSTUS BOULDIN.
<i>Baltimore County</i>	CHARLES B. McCLEAN.
<i>Calvert County</i>	JOSEPH W. TALBOTT.
<i>Caroline County</i>	GEORGE W. WILLIAMS.
<i>Carroll County</i>	W. THEODORE YEISER.
<i>Cecil County</i>	J. FRANK HINDMAN.
<i>Charles County</i>	HORATIO C. PAGE.
<i>Dorchester County</i>	WILLIAM HURLOCK.
<i>Frederick County</i> ,	DECEASED.
<i>Garrett County</i>	JOHN HARNED.
<i>Harford County</i>	WILLIAM T. CLARK.
<i>Howard County</i>	JOHN T. R. R. CARROLL.
<i>Kent County</i>	WILTON MELVIN.
<i>Montgomery County</i>	CHARLES J. MADDOX, JR.
<i>Prince George's County</i>	RODERICK M. McGREGOR.
<i>Queen Anne's County</i>	JOSEPH M. PARVIS.
<i>St. Mary's County</i>	JOHN H. CHUM.
<i>Somerset County</i>	THOMAS WILLIAMS.
<i>Talbot County</i>	JOHN W. GIBSON.
<i>Washington County</i>	SAM'L S. DOWNIN.
<i>Wicomico County</i>	HENRY D. POWELL.
<i>Worcester County</i>	WILLIAM SHOCKLEY.

REPORT

OF THE

Commissioner of the Land Office.

To His Excellency, HON. FRANK BROWN,
Governor of Maryland.

SIR:—I have the honor to submit to you my report as Commissioner of the LAND OFFICE of Maryland, from January 1st, 1890 to September 30th, 1891:

THE OBJECT AND VALUE OF THE LAND OFFICE.

The object and value of the Land Office is not generally understood by our people. In it are preserved the most important records, documents, chancery proceedings, maps and other valuable papers collected by the Province and State, from the first settlement at St. Mary's City, in 1634, to the present time. In 1680 the Land office was created, with a Register on the eastern and western shore. The Land Office, therefore, must be considered as the fountain and depository of the primitive muniments of title to all the landed property in the State—in which respect, the surveys returned to, and the patents recorded in it, together with the chancery records, constitute Maryland's Domesday book, in which a more accurate description of all the lands of the State is to be found, than of the lands in the records of any country whatever. By the Acts of 1780, and 1781, all the lands belonging to British subjects were confiscated to the use of the State, and with these lands, Maryland rewarded the officers and soldiers who faithfully served in the Maryland line during the Revolutionary war. The act of 1781, created a Land Office for the Western Shore, and another for the Eastern Shore, and placed each of them under the direction and care of a Register. In 1841, these two offices were consolidated, and the present Land Office was

established at Annapolis. By the Constitution of 1851, the "Commissioner of the Land Office" was created and directed to perform the duties formerly discharged by the Chancellor, Register and Examiner-General, and to act as Judge in caveat cases. In 1853, the General Assembly passed an act declaring the Court of the Commissioner of the Land Office to be a Court of Record. The Act of 1862, and the Constitution of 1864, made the Commissioner of the Land Office the keeper of the Chancery Records, and the ante-revolutionary and revolutionary papers. By the Constitution of 1867, he was further required "to collect, arrange, classify and keep all papers, records and relics connected with the early history of Maryland."

Besides performing the duties required by the Acts mentioned, the Commissioner of the Land Office, among other things, has to issue warrants; to make searches; to furnish copies; to prescribe rules and regulate the conduct of Surveyors in making surveys and returning certificates and plats; to examine and pass upon certificates returned to his office by Surveyors, and to hear, examine, and decide upon all caveats which come before him as Commissioner.

CAVEAT CASES DETERMINED.

In the capacity of judge, the Commissioner has heard and determined, since his last report, a number of important caveat cases. There are also several important cases on the Commissioner's Docket, which have been set for a hearing. Since the last report, none of the contestants have taken an appeal from the decision of the Commissioner. In deciding these cases considerable legal and historical knowledge and experience is required.

EXTRACTS OF DEEDS AND INDEXING.

By the Act of 1874, all books containing deeds and transfers of soldiers' lots, and all other land record books, then in the office of the Clerk of the Court of Appeals, were transferred to the Land Office, and it was made the

duty of the Commissioner, to receive and have the custody of all the books and extracts aforesaid, and of all other extracts of deeds which might hereafter be transferred to his office, and to give certified copies of such deeds and extracts, and to make searches for the same when required.

By the same Act, the Circuit Court Clerks of the respective counties, and the Clerk of the Superior Court of Baltimore city, were required to make extracts of deeds in a certain form therein prescribed, and to "transfer the same on or before the first day of June, in each year, to the Commissioner of the Land Office," whose duty it was made, by the next succeeding section of the Act, to "receive and carefully file among the records of his office all extracts of deeds transferred to him by virtue of this Act, and all such as shall hereafter be transmitted to him by the Clerks of the Circuit Courts of this State; and when he shall have received a sufficient number of such reports from the same county to form a record book of the proper size, he shall cause the same to be well and substantially bound in leather and placed among the records of his office." By the Revised Code (section 6, page 522,) the Judges are required to examine the Land Records of their counties, and see that the Clerks perform these duties. By the Act of 1876, it was made the duty of the Commissioner of the Land Office, to have indexed the extracts of deeds deposited in his office, and to continue the indexes as the extracts came into his possession.

It was the purpose of the Legislature in requiring these extracts to be made and preserved, to guard and protect the muniments of land-title from destruction by carelessness or fire; and the fact that the Record Offices of St. Mary's, Cecil, Dorchester, Harford, Calvert and Baltimore counties were destroyed by fire, with all their records, attests the wisdom of having such copies to supply loss, and prevent the trouble and confusion which would arise from the loss of record evidence of the title to land. In the course of over

two hundred years the extracts of deeds have grown to an enormous bulk, and were, until the passage of the Act of 1876, without indexes later than 1815. For the continuance of the indexes to date, the Act of 1876 was passed. Without such indexes the extracts are practically valueless, for without them it would be almost impossible in the vast number deposited in the Land Office, to find in a short time, any particular record of title. The payments made to the Court Clerks for recording deeds in the county or city where they are placed on record, includes the cost of making the extracts; and the second record of title to each tract of land preserved in the Land Office, is made without additional cost to the owners of the property.

The indexes of the extracts of land title, which the Commissioner of the Land Office is required to have made under the Act of 1876, are full and complete. The name of the grantor and grantee, and the name of the land, if any, are indexed in separate volumes. The Clerks employed in making indexes are not paid regular salaries, but receive pay for the amount of labor actually performed.

The extract records of land titles in the Land Office, are much more complete than when my last report was issued. In some of the counties, however, there are large gaps in the missing extracts. The following statement shows how far the Clerks of each county, and Baltimore city, have complied with the requirements of the Act of 1874, in transmitting to the Land Office, extracts of all deeds received for record in their respective offices. From this report it will also be seen that some of the Judges of the Circuit Courts of the State, have been negligent in their duties in not compelling the Clerks of their Courts to discharge their duties as required by law.

EXTRACTS OF DEEDS IN THE LAND OFFICE.

Allegany county; complete to June, 1890.

Anne Arundel county; complete to June, 1891.

Baltimore county; complete to June, 1890.

Baltimore city; complete to 20th June, 1891.

Calvert county; no extracts in this office, from 1817 to 1882, excepting from December 9, 1873 to June, 1875. Complete from 1882 to June 1, 1887. The Court-House in this county, together with all the records, was destroyed by fire June 28, 1882. Extracts from the date of the fire to June, 1891, including a number that have been re-recorded.

Caroline county; complete to June, 1890.

Carroll county; complete to June, 1887.

Cecil county; complete to 3d December, 1891.

Charles county; no extracts in this office since 1828, except from 1875 to June, 1890.

Dorchester county; complete to June, 1886.

Frederick county; complete to December, 1891.

Garrett county; complete to June, 1890.

Harford county; complete to June, 1889.

Howard county; complete to June, 1891.

Kent county; complete to November, 1891.

Montgomery county; complete to June, 1890.

Prince George's county; no extracts in this office from 1827 to 1844, and from 1847 to 1879, excepting 1861 and 1862; complete from 1879 to August, 1885.

Queen Anne's county; complete to June, 1891.

St. Mary's county; complete to June, 1891.

Somerset county; complete to June, 1891.

Talbot county; complete to June, 1891.

Washington county; complete to June, 1891.

Wicomico county; complete to June, 1890.

Worcester county; complete to June, 1890.

From the above statement, it will be seen, that but a small number of the Clerks of the counties have failed to send to the Land Office, "on or before the first day of June in each year," as required by the Act of 1874, the extracts of deeds, left for record in their offices, and for which service they have received full payment.

I respectfully recommend that the Legislature take some action to supply the missing extracts from Calvert, Charles and Prince George's counties for past years.

LAND PATENTS.

There have been issued from the Land Office from January, 1890 to September 30, 1891, thirty-four land patents, in accordance with the following table:

LAND PATENTS.

Land Patents issued from January 1st, 1890, to September 30th, 1891.

NAME OF LAND.	ACRES.		ROADS.		PERCHES.		NAME OF PATENTEE.	COUNTY.	VACANT LAND		
	ACRES.	ROADS.	PERCHES.	ROADS.	PERCHES.	PERCHES.			ACRES.	ROADS.	PERCHES.
Nealon	2	1	20				Samuel A. O'Neal.....	Allegany.....	2	1	20
Laurel	1	1	20				Samuel A. O'Neal.....	Allegany.....	1	1	20
Willis' Mountain.....	90	0	00				Henry W. Schaidt.....	Allegany.....	90	0	00
Daisey's Home.....	5	3	08				Edwin Bennett and Simon P. Dunkel.....	Carroll.....	5	3	08
Addition to Piney Grove.....	198	0	00				Luther Philips.....	Dorchester..	198	0	00
Robbins' Second Venture.....	97	0	00				Joseph W. Robbins.....	Dorchester..	97	0	00
Viola.....	150	1	13				Planner P. Robbins.....	Dorchester..	150	1	13
Seward's Chance.....	11	3	00				Charles H. Seward.....	Dorchester..	11	3	00
Rail Road View.....	55	3	23				Hiram P. Tasker.....	Garrett.....	55	3	20
Dalecartia Resurveyed.....	275	3	00				Richard M. McCulloh.....	Garrett.....	55	3	20
Addition to Coddington's Purchase.	50	0	00				Thomas Coddington.....	Garrett.....	46	1	12
Lisch's Lot.....	97	3	12				Frank L. Lisch.....	Garrett.....	69	1	31
Bovine's Corrected Twice.....	555	2	37				The Manor Mining and Manufacturing Company	Garrett.....	4	3	17
Fairview.....	4	3	17				James C. Watson and Wm. H. Loy	Garrett.....	20	0	11
Look Out Resurveyed.....	70	0	11				James C. Watson and Wm. H. Loy	Garrett.....	9	0	39
Laurel Dale.....	209	1	03				Samuel Falkner.....	Garrett.....	5	1	20
Lee's Defeat.....	5	1	20				James A. Warfield and Jas. R. Leakins.....	Howard.....	2	0	08
Robinson's Discovery.....	2	0	08				William F. Brown	Howard.....	6	0	00
Hill's Discovery.....	6	0	00				J. T. Hill.....	Prince George	10	1	10
Gregory's Discovery.....	11	0	00				James A. Gregory.....	Prince George	10	1	10
Lawson's Addition.....	10	1	10				William T. Lawson.....	Somerset.....	10	1	10

LAND PATENTS—Continued.

Land Patents issued from January 1st, 1890, to September 30th, 1891.

NAME OF LAND.	ACRES.	ROADS.	PERCHES.	NAME OF PATENTEE.	COUNTY.	VACANT LAND		
						ACRES.	ROADS.	PERCHES.
The Resurvey on Broad Neck.....	2880	0	00	Oliver S. Horsey.....	Somerset....
Land and Water.....	108	0	00	Mrs. Catharine Lefevre.....	Washington.	80	0	00
Finale.....	95	0	00	Andrew Gsell.....	Washington.	95	0	00
Peru.....	480	0	00	Sam'l W. Adkins, Leah Nancy Jones, wife of } Eli T. Jones, and Sigourney Adkins..... }	Wiconico....	50	0	00
Benton.....	49	2	32	Stephen W. Dolby.....	Wiconico....	49	2	32
Addition to Hog Range.....	134	1	08	Major B. Marshall.....	Wiconico....	134	1	08
You Shan't Have All.....	121	2	33	Henry J. Jackson.....	Wiconico....	121	2	33
Rodents' Harbor.....	209	2	19	Wille E. Calloway.....	Wiconico....	209	2	19
Cherry Tree Island.....	229	1	28	S. A. Calloway.....	Wiconico....	229	1	28
Residue.....	119	1	05	Philip T. Donoho.....	Wiconico....	119	1	05
John's Discovery.....	4	0	20	Catharine R. and Harriet L. Dirickson.....	Worcester...	4	0	20
Faribault.....	71	1	17	Benj. F. Vosburgh and Carlos P. Tucker.....	Worcester...
Brenham.....	265	2	00	Benj. F. Vosburgh and Carlos P. Tucker.....	Worcester...	265	2	00
Total number of acres in Patents.....	6668	3	04	Total number of acres of vacant lands in- cluded in Patents.....	Worcester...	2144	3	18

BUSINESS OF THE LAND OFFICE.

The patents issued from the Land Office, conveyed 6,668 acres, 3 roods, 4 perches of land, of which amount, 2,144 acres, 3 roods and 18 perches, was vacant land sold by the State. There are on file in the Land Office, 18 certificates, returned since January 1st, 1890, which have been examined and passed, for which no patents have been issued. These certificates include 8,856 acres, 1 rood, and 1 perch of land, of which amount 8,475 acres, 2 roods and 7 perches is vacant land. There are 16 certificates on file which have not been examined. The warrants issued since January 1890, are 112, of which number 36 have been executed and a number renewed.

All of the above-mentioned patents and certificates have been recorded in three forms—the original draft of patent, the recording patent, and the recording certificate. The unpatented certificates have been carefully examined to ascertain if the body of the certificate agreed with the table, the calls verified, and if the length and direction of the lines of the plat agreed with those in the body of the certificate. The contents of land embraced in the plats have also been calculated and verified. To perform this necessary service, the force of the office is taxed to its utmost.

The correspondence of the office is increasing every year, the number of official letters being largely in excess of my last report. This does not include copies of land records, chancery proceedings, historical research, and making records of old cases not recorded, which are quite numerous.

From January 1st, 1890, to September 30th, 1891, in addition to discharging other duties for the State, of which there is no mention in this report, the Land Commissioner has made over 2,000 searches, for which a small fee required by law was charged. In addition to these a large number of long and tedious searches had to be made at the request of individuals in search of titles to property, family history

&c., for which no reasonable fee could be charged. In this connection I beg to renew the recommendation made in my previous reports, giving the Commissioner authority to charge for searches, regulated according to the time and labor required to make them. If this plan was adopted, it would largely increase the revenues of the Land Office.

This office has become, in a large measure, a bureau of information, to which application is made almost daily for information relating to the natural resources and advantages of Maryland, family genealogy, history, chancery proceedings, records of title, &c. These applications are not confined to residents of our own State, alone, but embrace persons living in all sections of the Union, and many from Europe. Frequently, inquiries sent to the Maryland Historical Society, and the various departments of our State government, are referred to this office for a reply. In complying with these requests, much of the time of the Commissioner and his clerk is taken up, and though it may be of the utmost value and importance to the party or parties seeking it—or how many days is required to furnish such information—the Commissioner is prohibited from charging more than twenty-five cents for each search; whereas, if the same information had been obtained through a lawyer, the applicant would be required, perhaps, to pay an attorney as many dollars.

THE MILITARY LANDS OF GARRETT COUNTY.

There have been made since my last report, many copies of records and chancery proceedings, and plats and maps. The office has a large and valuable map of the military lots laid off in Alleghany and Garrett counties, which were awarded to the officers and soldiers of the Maryland Line, for their services during the Revolution. There are on this map four thousand, one hundred and sixty-five lots of fifty acres each, besides sundry tracts which had been patented,

and which were laid off by Francis Deakins, appointed under a resolution passed by the General Assembly in 1787, to survey and return a general plot of the State westward of Fort Cumberland. The extreme western section of Garrett County, known as the Glade District, is composed mostly of military lots. The town of Oakland, fifty-six miles west of Cumberland, is located on a fifty-acre lot. That portion of Alleghany and Garrett counties, which was laid off in lots and assigned to the officers and soldiers of the Revolution, has been developed by the construction of the Baltimore & Ohio Railroad, and the West Virginia, Central and Pittsburg Railroad, and the location of the Deer Park and Oakland hotels, and the discovery and development of valuable coal mines and timber lands. As the land has increased in value, the demand for it has become greater; titles are subjected to legal ordeal, and the representatives of the officers and soldiers of the Revolution, are beginning to look after titles to land which they formerly thought valueless and of little importance. Escheat patents have been obtained on many of the lots, which have been, and will continue to be, a fruitful source of litigation as the lots increase in value. Most of the litigation that has occurred before the Commissioner of the Land Office, for many years past, has been from Alleghany and Garrett counties, and especially from that section in which the military lots are situated. The Land Office, important to every part of the State because it contains the patents and the original tenures by which all land is held in Maryland, becomes, in Alleghany and Garrett counties, where the titles to land are yet unsettled and disturbed, almost a vital necessity.

THE WEST VIRGINIA BOUNDARY CONTROVERSY.

The ancient boundary dispute between Maryland and West Virginia, to which attention was called in my last report, is in a fair way of settlement. The Legislature at

its last session, (Act of 1890, chapter 563, folio 689,) adopted my suggestion, by providing for the filing of a bill in the United States Supreme Court to settle this matter, and thereby relieve the citizens of Garrett county from annoyance, arrest and bloodshed, such as have occurred in that section of the State for many years. The Attorney General of the State has filed the bill, and the matter will soon come before the United States Supreme Court for adjudication.

HISTORICAL DEPARTMENT OF THE LAND OFFICE.

By the Constitution of 1867, the Commissioner of the Land Office "is required to collect, arrange, classify and keep all papers, records and relics connected with the early history of Maryland." The Commissioner of the Land Office will always be glad to receive and preserve the historical records of the various counties of the State. They are of little practical value to those tracing land titles before the Revolution, but are mainly valuable for the historical information they contain. Those tracing land titles before the Revolution, in almost every case, have recourse to the State Land Records in the Land Office, and all such inquiries would be greatly facilitated, if all the counties possessing Land Records ante-dating the Revolution, would follow the example set by Charles county, and deposit them in this fire proof office with the other archives of the State.

THE ARMY AND NAVY MUSTER ROLLS OF MARYLAND.

In the trials and sufferings through which the United States passed during and since the war for independence, the sons of Maryland have not shirked any share of the common burden, and their post has been the post of honor. In all of these contests, the flower of the youth of Maryland took up arms in its defence, and no State bore a more conspicuous part, and no State is more distinguished through the gallant deeds of her patriotic sons. In the war for Independence, Maryland furnished to the Continental Army, a

grand total of 20,636 men, and no troops rendered better service, endured more fatigue or won greater glory than the "Maryland Line."

In the second war for Independence, in 1812-14, our patriotic State had in the service 42,636 men. In proportion to population, this was the largest contingent furnished by any State in the Union, and in actual numbers, it was only exceeded by Virginia and New York.

In the war with Mexico, Maryland contributed to the armies over 2,500 men, and in the achievements of her sons upon the battle-fields of Mexico, she possesses a precious inheritance of glory. Her losses in distinguished officers were greater than those sustained by any other State.

In the war for the Union, as in every other war with which this country has been engaged, there is neither spot nor blemish to mar Maryland's beautiful and time-honored escutcheon. She did her whole duty to both sections in that unfortunate contest and was not wearied. From the beginning to the close of the war for the Union, the number of organizations put into the service of the United States, were three regiments, two battalions, and one independent company of cavalry, six batteries of light artillery, and nineteen regiments and one independent company of infantry.

There were also three incomplete regiments, which having failed to perfect an organization, were consolidated with other commands. The enlistments in the naval service and marine corps, added to the military force, gives a grand aggregate of 48,855 men furnished by this State to the Union forces. Of this number 44,973 were volunteers, 1,426 drafted men, and 2,456 substitutes. Reduced to a three years' standard, this force aggregated 41,275 men

Maryland contributed to the Confederate Army, it is estimated, about 12,000 men, scattered through a hundred commands. The Society of the Army and Navy of the Con-

federate States in Maryland, has in its possession the muster rolls of nearly 4,000 Marylanders who served in the armies of the Confederacy. General Robert E. Lee once said: "They were among the best troops I had and could always be depended on." And the late Jefferson Davis said: "The world will accord of them peculiar credit, as it has always done to those who leave their hearthstones to fight for principle in the land of others."

It is the duty of every Marylander to cherish the memory, and preserve the names, of those who were the immediate representatives of the patriotism and bravery of our people. The names of such men should not be lost, nor their services fail to be remembered. The State, therefore, would fitly honor itself and our patriotic people by perpetuating in print the names of the officers and soldiers, with their rank, and the company and regiment in which they served, of all those who enlisted from Maryland in the armies of the French and Indian war, the Revolution, the Whiskey Insurrection, the war of 1812-14, the Mexican war, and the war for the Union, 1861-65, both in the Federal and Confederate Armies. Nearly all of the States have compiled and published similar works, and before all of our early muster rolls are lost or destroyed, in justice to those who have served in the armies of the State, Maryland should preserve their names for the benefit of posterity.

If a sufficient amount is appropriated to pay for the publication of such a work as indicated, including a small sum to pay for copying the muster rolls in the departments at Washington, and in the Maryland Historical Society, and in other places, the Historical Department of the Johns Hopkins University, will undertake the compilation of the records free of cost to the State.

The compilation of the Maryland Army and Navy muster rolls from 1755, to the present time, will entail an immense amount of patient research and labor upon the

University, but the efficient officers of the historical department of that honored institution, appreciating the importance and value of such a publication, have kindly consented to compile the records free of cost to the State.

It is very important that this patriotic service should begin at once, as the muster rolls of the Pre Revolutionary and Revolutionary periods, and the war of 1812, are rapidly passing away. Already many of them have been lost or destroyed, and the few remaining should be immediately transcribed and published.

When the Legislature of Maryland passed an Act providing for the preservation, arrangement, publication and sale of ancient documents pertaining to Maryland, and placed in the custody of the Maryland Historical Society all such records, archives and documents, with authority to edit and publish all such as are of historical importance, and to arrange and catalogue all the papers turned over to the society, it did what ought to have been done years ago. The State has lost by neglect, by the careless manner in which important letters and papers of various kinds have been stowed away in all sorts of odd places, many valuable documents and letters bearing on public events. The transfer to the Historical Society, of all that remain, and the provision made for collating, arranging and publishing them, rescues them hereafter from damage or loss, and preserves by publication the more valuable of them in good form, and through the distribution of the volumes to be published among public libraries, secures their perpetuation.

THE LEONARD CALVERT MONUMENT.

The Legislature at the session of 1890, passed an Act providing for the erection of a monument to the memory of Leonard Calvert, the first Governor of Maryland, at St. Mary's City, in St. Mary's County. The Commissioner of

the Land Office, together with two others, were appointed a commission to carry the law into effect. Two thousand dollars was appropriated for the purpose, and the granite monument was unveiled, with imposing ceremonies, on the 3d of June, 1891. By request of the committee having the matter in charge, the Commissioner of the Land Office delivered the historical address.

A LEGAL CONTEST OVER THE LAND RECORDS.

The General Assembly, at its session in 1890, passed an Act (Chapter 513), compelling the Commissioner of the Land Office to give to Hiram P. Tasker, of Garrett county, free access to the records of the Land Office. As Commissioner of the Land Office, I felt it my duty to refuse to recognize this law, as its enforcement would have practically abolished the Land Office, which was established by the Constitution, and is not subject to legislative control.

I regarded the law unconstitutional and void, for the following causes:

1st. Because it embraced more than one subject. It provided for the forfeiture and sale of military lots, and assessment for taxation of lands unassessed in Garrett and Alleghany counties. It also provided for the release of a debt of about \$700 due the State.

2d. Because the subject of Chapter 513, Acts of 1890, did not describe its title.

3d. Because Chapter 513 is a special law making provision for a case clearly provided for by existing general law.

4th. Because it released debts due the State without the recommendation of the Governor or Treasury Department.

5th. Because the Land Office is an office established by the Constitution, and by its Commissioner is *required* to charge fees and account for same, and is not subject to legislative control in respect thereto.

6th. Because the Land Office is a Court of Record, and the Commissioner a bonded officer; and the rights conferred by Chapter 513, on Tasker, were in derogation of the rights of the Commissioner of the Land Office as a constitutional officer. If the law was upheld it would practically abolish the Land Office.

7th. If the Commissioner of the Land Office refused to comply with the law, this would not be such a case as would warrant the issuing of a writ of mandamus in favor of Tasker. The writ of mandamus is in the discretion of the Court.

8th. The Land Office is a repository for information concerning titles to land, and all citizens have free access thereto, under the supervision and control of the Commissioner, as to the manner in which records there deposited are used, and upon payment of the fees prescribed by the Constitution and laws. This is necessary for the dignity of the office and security of the records there deposited, and for the protection of the Commissioner of the Land Office as a bonded officer. Free access does not mean without payment of legal charges.

For the reasons above set out, I refused to obey the law, and Mr. Tasker thereupon petitioned for a writ of mandamus, which was granted by the Circuit Court of Anne Arundel county.

I appealed the case to the Court of Appeals, which reversed the decision of the lower Court, and dismissed the bill. The Court of Appeals sustained me in nearly all the points I raised in the lower Court. It found the law unconstitutional, because it took away property without due process of law; remitted fees owed the State Treasury without the recommendation of the financial officers; and the bill contained subjects not germane to the title and general objects, one being the free access to the land records which Tasker claimed.

THE STATE MUSEUM.

The State Museum, which I established in the Land Office at the close of the World's Industrial and Cotton Centennial Exposition, held at New Orleans, in the winter of 1884-5, has outgrown the dimensions of its limited quarters, and during the past year, owing to the want of space, I have been compelled to refuse for exhibition many large and interesting objects. The collection already includes over 500 stuffed and mounted Maryland birds and animals, specimens of our building stone, marls, sands, clays, cereals, vegetable and garden seeds, medicinal roots and herbs, and geological specimens, which illustrate the valuable minerals and ores of the State. There is also on exhibition many rare and curious relics, curiosities, and Indian antiquities, gathered in Maryland. These interesting exhibits have been arranged in twelve large upright cases, while many interesting objects are scattered about in the office.

The Legislature of 1888, recognizing the importance and value of the State Museum, passed a joint resolution, assigning for its use the old library room in the State house. As soon as the Commissioner can get possession of the new quarters for the museum, he will be able to make it an honor and a credit to the State. Already he has been promised many valuable and interesting exhibits from the Federal Government at Washington, and from many private individuals throughout the State. With a little assistance from the State, our museum could be made a depository of tangible and visible information relating to Maryland. With a complete collection of our products, minerals, geological and agricultural, systematically arranged, so as to show their value from the crude state up to complete manufacture, with a statement of commercial value, location, &c., it would aid greatly to develop our resources, and encourage and facilitate emigration.

A BUREAU OF INFORMATION.

Recognizing the need of a State source from which information may be distributed to persons seeking homes in Maryland, I established in 1888, a "Bureau of Information," on a limited scale, in connection with the Land Office, without additional cost to the State. Judging from the past experience which the State has had, I believed the Land Office could accomplish all that a bureau of immigration or agriculture would be able to effect, without any especial enactment, or the appropriation of \$20,000, or \$4,000 a year, as has been variously suggested, to send an agent or agents abroad on a pleasure trip, and maintain a distinct office at home. At the session of the Legislature of 1888, I carried into effect my resolve to start an independent agricultural and immigration bureau, by issuing in connection with the report of the Land Office, an interesting paper on the soil, climate and other farming advantages of Maryland over the West. In this same connection, I published a series of interesting papers descriptive of all the counties of Maryland and the city of Baltimore, and the inducements they offer for persons to settle among us. This report, which was descriptive of the resources of the different counties, and the inducements they offered to immigration, supplied a known want, and has been in great demand. There is not a week that the Secretary of State, or the Commissioner of the Land Office, does not receive letters from every section of the Union, asking for information as to our State, requesting our agricultural or geological report, our statistics of labor, manufactures, &c., to which no reply was sent until my report was prepared. Until that time the State had no publication showing its peculiar soil and situation, or its agricultural resources and mineral products. The interesting pamphlets issued by the Land Office have been largely circulated, and I am confident they have rendered valuable service to the State.

IMMIGRATION TO MARYLAND.

The importance of securing immigration into the sparsely settled sections of Maryland is fully recognized. The matter has again and again been discussed in the columns of the press, and there is unanimity of opinion as to the imperative necessity of bringing to our State more people to cultivate our waste and surplus land if we would promote our agricultural, and, as a consequence, our general prosperity. The fact that we need immigration being admitted, the next question to determine is: How is this immigration to be secured?

I suggest that the most effective method would be to organize local immigration societies on a strictly business basis. In those sections of the State that stand most in need of more people to cultivate the soil, paradoxical though the statement may seem, one of the greatest difficulties in the way of immigration is the difficulty of securing land on reasonable terms and sufficient quantities. The land is there, untilled and unproductive, and in order to successfully bring immigrants who are worth bringing at all into any community, there must be sufficient local organization for that purpose. Such local organization must have, or be able to acquire, sufficient land to insure, at least to a reasonable extent, to the immigrant who desires to purchase land, the privilege of doing so at a fair price and on equitable terms. This control of land by the organization must be such that if a descriptive list of the farms or tracts of land offered for sale, with prices affixed, be sent, for example, among the thrifty farmers of Germany, or those who have been misled in seeking homes in the dismal west, those farmers can start for Maryland in the reasonable certainty before leaving their native land or their adopted homes, that they can procure homes here of the character and on the terms set forth in such descriptive list.

LOCAL ORGANIZATION COMPANIES NEEDED.

To this end an immigration company should be formed in every county where immigration is needed. This company should be under the control of the enterprising people of the community immediately interested, and should be organized with sufficient capital to properly carry out the purposes in view. If it be objected that the people of such a community are least able to put capital in an organization of the kind suggested, I answer that they can surely contribute by subscriptions payable in land. As land would be the paramount requisite in the prosecution of the aims of such a company, certainly the holders of land in sparsely settled sections could well afford, out of their abundance, to pay for whatever number of shares of stock—in case the organization be a stock company—their surplus holdings would warrant them in subscribing for. Those who have money to invest could invest money and those having land and not money could invest land. Such an enterprise, properly managed by live, energetic men, would pay. It would pay the investors a remunerative percentage on their investments. It would pay many fold in the progress and prosperity it would bring to the community generally in which its operations were carried on.

Our Maryland farmers have been cultivating too much land with too small a force, and the time has come when they must concentrate their strength on fewer acres and raise larger crops by better tillage. Since the war many of the old field hands have abandoned farm work and flocked into the cities, and their places have not been supplied. If we can fill up the gaps by introducing immigrant labor, or by inducing such as have a little money to settle on our surplus or outlying lands, a great benefit would accrue to resident proprietors and to the State at large. In the embarrassments that now beset so many of our farmers, and especially those of the southern counties, immigration would be a safety-valve, and might be made the starting point to a new prosperity. It would be well, therefore, if

they were to come to some common understanding as to the best means of attaining this end. When this is done they might very properly appeal to the General Assembly to help them by appropriate legislation. But while the State might strengthen a well-devised plan of immigration with its official recognition and indorsement, its success would still depend almost wholly upon the concerted action of the farmers themselves.

GERMAN IMMIGRANTS.

It is well known that the German immigrants who now land at Locust Point are, as a rule, not allowed to disembark from the ships that bring them over except to be transferred to the waiting trains and to be taken to different points in the West. It rarely happens that one is allowed to remain in Baltimore, or in Maryland, and when these exceptions occur it is because the immigrant has relatives or friends here who have sent for him or her to accept positions in the city or State. The great body of immigrants are put into trains and whisked to the Western country to swell the population and productiveness of that section. This is so because the railroad companies have their agents throughout Europe looking up immigrants. When immigrants are induced to come, it is in the interest of the company obtaining them to get as long a haul over the railroad as possible. The people of Maryland have long recognized the advantages that would accrue to the State if some of these German farmers could be induced to settle here.

The advantages expected to result from the coming to Maryland of a large colony of Danes, who will settle in Prince George's county, have directed public attention to the importance of inducing more settlers of the farming element abroad to settle on the idle lands that can be found throughout the State, especially in Southern Maryland.

The steamship lines in Baltimore which brought into that port 40,694 immigrants in 1891, or more than any other

Atlantic port with the exception of New York, have no control over their emigrant passengers after they are landed. All of them are supplied with tickets before leaving Germany, which entitle them to transportation to the points to which it is intended they should go. These tickets are frequently sent by relatives or friends in this country, and naturally the immigrant will go where his friends have settled. What is most needed is a nucleus around which they can cluster. This is the secret of the Western tide of immigration. A foothold once obtained by a family, the next thing would be to send back for relatives or friends to come over and share their prosperity. I think the proposed colony of Danes will be of great assistance to Maryland in obtaining other immigrants. If these people succeed, it will not be long before others will be induced to come, and instead of confining themselves to one locality they will spread over the contiguous country. But you will find that they will never get beyond the reach of each other. So with the Germans. Let a colony be once established here, no matter how small, and if the people succeed, others will surely follow. They will send back for them, and in many instances furnish tickets for transportation. The object of those interested in this matter should be to get the first settlers to come. Select a good, healthy location and give them half a chance and the rest will be easy.

THE INDUCEMENTS MARYLAND OFFERS TO IMMIGRANTS.

I repeat what I have said in previous reports, that there is no State in the Union that offers more inducements to industrious immigrants than the State of Maryland, and if this fact is persistently disseminated, not only abroad, but in other States, the cheapness of our lands, the mildness of our climate, the variety of our soils, the nearness to good markets, and the educational and religious facilities of an old and orderly community must inevitably draw to us numbers of those who are in search of new homes, to be had cheaply and under the most favorable auspices. The drift

of Germans, Swedish and Norwegian immigration has long been toward the West, because great colonies of these diverse nationalities have been founded there. What we want is similar nuclei scattered over the least populated counties of Maryland, where quantities of land are inviting settlement and tillage. Unfortunately, the abortive efforts made in former years to attract emigrants have discouraged our people. They look across the broad acres that many of them own, but have not the means to fertilize and cultivate, and they declare, as one of the farmers declared at the Deer Creek Harford County Farmers' Club meeting: "We cannot compete with Western lands at a dollar and a quarter an acre." And this was said in the face of the fact that the German settlers on the old Howard Furnace property had demonstrated by their prosperity that they could buy parcels of it at from five to ten dollars an acre, and by their thrift and industry were enabled to pay an annual county tax of twelve hundred dollars, where before the county tax was but one hundred dollars. Have any of our county friends ever thought what Western land at a dollar and a quarter an acre means? It means wild land, remote from transportation, much more remote from a market, often and chiefly now in the open prairie, and to a great extent that which is now remaining is without wood or water. It means the hiring of strong teams to break the heavy prairie sod, the cost of fencing to be drawn from long distances, the cost of house and shelter for cattle, of digging and lining a well for water, bad roads, schools and churches widely apart, and in some States or parts of States, the terror of blizzards and cyclones, and in others the terror of swarms of grasshoppers. Where there are settled communities, or where the land is in proximity to lines of railroad, the price per acre ranges from two and a-half to ten, fifteen or twenty dollars, while the value of the product of that land is dependent on the rates at which the railroads will take it to a market. To those remote from railroads the long haul to a depot on the line is to be considered, and then follows, for them and for

all other Northwestern farms, the cost of transportation, first to St. Louis or Chicago, and next to the seaboard, where the ultimate price is regulated by the domestic and foreign demand. Taking all these drawbacks and charges into consideration, and bearing in mind how few of these charges have to be borne by the Maryland farmer, and bearing in mind also the larger net price he gets for his grain in the Baltimore market, and for his hay, which, by reason of its bulk, will not bear transportation for long distances, and for his vegetables and his fruits, both large and small, it is not too much to say that the lands of Maryland, even where they bring no more than ten bushels of wheat per acre (although some bring fifty bushels) and five barrels of corn, are cheaper even at fifteen dollars per acre than the wild lands of the West, where the first cost of the lands is but a small part of the sum that must be expended in breaking the sod, digging for water, fencing in the farm, putting up a house for the family, however humble the structure may be, and providing shelter for the stock.

With great respect, I am,

Your obedient servant,

J. THOMAS SCHARF,

Commissioner of the Land Office.

